



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Om Reddy GADDAM, et al.

Serial No.: 10/067,096

Group No. 1624

Filed: February 4, 2002

Examiner: Thomas C. McKenzie

For: PHARMACEUTICALLY ACCEPTABLE SALTS OF PHENOXAZINE AND
PHENOTHIAZINE COMPOUNDS

Attorney Docket No.: U 013840-5

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

We draw the attention of the Examiner to the attached references which are also listed
on the attached Form PTO-1449.

04/01/2004 FMETEKI1 00000013 10067096

02 FC:1806

180.00 OP

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is **mandatory**;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. 1.8(a)

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37 C.F.R. 1.10*

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- ☐ transmitted by facsimile to the Patent and Trademark Office.

Date: March 24, 2004

Signature

Janet I. Cord

(type or print name of person certifying)

***WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).
"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.



Respectfully submitted,

A handwritten signature, appearing to be "Janet I. Cord", written in black ink. The signature is stylized with a large loop and a horizontal line extending to the right.

Janet I. Cord
c/o Ladas & Parry
26 West 61st Street
New York, New York 10023
Reg. No. 33, 778 (212-708-1935)



Practitioner's Docket No. U013840-5

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Om Reddy GADDAM, et al.

Application No.: 10/067,096

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PHENOTHIAZINE COMPOUNDS

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
BEFORE MAILING DATE OF EITHER A FINAL ACTION
OR NOTICE OF ALLOWANCE (37 C.F.R. 1.97(c))**

NOTE: 37 C.F.R. 1.97: "(c) An information disclosure statement shall be considered by the Office if filed after the period specified in paragraph (b) of this section, provided that the information disclosure statement is filed before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application, and it is accompanied by one of:

- (1) The statement specified in paragraph (e) of this section; or
- (2) The fee set forth in § 1.17(p)."

NOTE: "If a final action or notice of allowance is mailed in an application and later withdrawn, the application will be considered as not having had a final action or notice of allowance mailed for purposes of considering an information disclosure statement." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

CERTIFICATION UNDER 37 C.F.R. 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. 1.8(a)

37 C.F.R. 1.10* (Preferred)

- ☒ with sufficient postage as first class mail. ☐ as "Express Mail Post Office to Address"
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TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office

Date: March 29, 2004

Signature

Janet I. Cord

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See §

NOTE: 37 C.F.R. § 1.704(d): "A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable."

NOTE: "If information submitted during the period set forth in 37 C.F.R. 1.97(c) with a certification is used in a new ground of rejection on unamended claims, the next Office action will not be made final since in this situation it is clear that applicant has submitted the information to the office promptly after it has become known and the information is being submitted prior to a final determination on patentability by the Office. However, the information submitted with a certification can be used in a new ground of rejection and the next Office action made final, [i]f the new ground of rejection was necessitated by amendment of the application by applicant. Where the information is submitted during this period with a fee, the examiner may use the information submitted, e.g., printed publication or evidence of public use, and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection which was not necessitated by amendment to the claims is introduced by the examiner. See MPEP 706.07(a). If a new ground of rejection is introduced that is neither necessitated by an amendment to the claims nor based on the information submitted with the fee set forth in 37 C.F.R. 1.17(p), the Office action shall not be made final. Notice of April 20, 1992 (1138 O.G. 37-41, 39).

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 C.F.R. 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63). But see § 103(b) and (c), limited suspension of action in a continued prosecution application (CPA) filed under § 1.53(d) and in a request for continued examination (RCE) under § 1.114.

WARNING: No extension of time can be had under 37 C.F.R. 1.136(a) or (b) for filing an IDS. 37 C.F.R. 1.97(f).

TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

1. The information disclosure statement transmitted herewith is being filed *after* three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but *before* the mailing date of either:

- (1) a final action under § 1.113 or
- (2) a notice of allowance under § 1.311,

whichever occurs first.

STATEMENT OR FEE

2. Accompanying this transmittal is
(check either A or B below)

A. ☐ a statement as specified in 37 C.F.R. 1.97(e).

OR

B. ☒ the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement under § 1.97(c). (\$180.00).

METHOD OF PAYMENT OF FEE



[] Attached is a check in the amount of \$ _____.
[X] Charge Account No. 12-0425 in the amount of \$ 180.
A duplicate of this request is attached.

If any additional fees are due, please charge Account 12-0425.

Reg. No. 33,778

Tel. No.: (212) 708-1935

Customer No.:



SIGNATURE OF PRACTITIONER

Janet I. Cord

(type or print name of practitioner)

P.O. Address

c/o Ladas & Parry
26 West 61st Street
New York, N.Y. 10023

FORM PTO-1449

U. S DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.

SERIAL NO.

U 013840-5

10/067,096

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(Use several sheets if necessary)

APPLICANT

Om Reddy GADDAM, et al.

FILING DATE

GROUP

February 4, 2002

1624

U.S. PATENT DOCUMENTS

EXAMINER INITIALS	REFERENCE DESIGNATION	DOCUMENT NUMBER	DATE	NAME	FILING DATE IF APPROPRIATE
	AA				
	AB				
	AC				
	AD				
	AE				
	AF				
	AG				
	AH				
	AI				
	AJ				
	AK				

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
					YES	NO
	AL					
	AM					
	AN					
	AO					
	AP					

OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)

	AR	<u>The Diabetes-Dementia Connection</u> , Clinician Reviews, March 2000
	AS	J. Kuusisto, et al., <u>British Medical Journal</u> , Association between features of the insulin resistance syndrome and Alzheimer's disease independently of apolipoprotein E4 phenotype: cross sectional population based study. No. 7115, Vol. 315, October 25, 1997.
	AT	Gabe Mirkin, M.D., <u>Diabetes and Colon Cancer/Insulin Resistance</u> , Report #6502, May 14, 1995, CBS Radio News

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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	AK				

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					YES	NO
	AL					
	AM					
	AN					
	AO					
	AP					


OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)

AR	B. Isaksson, et al., <u>Pancreatology</u> , Basic: Pancreatic Cancer, 2:217-361, 2002
AS	Hsing AW, et al., J National Cancer Institute, <u>Insulin resistance and prostate cancer risk</u> , 95(1):67-71, January 1, 2003
AT	Lois Baker, <u>University at Buffalo Reporter</u> , Study links cancer risk to insulin resistance, Vol. 32, No. 16, January 18, 2001

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449 U. S DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY. DOCKET NO. U 013840-5		SERIAL NO. 10/067,096	
 INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)		APPLICANT			
		Om Reddy GADDAM, et al.			
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FOREIGN PATENT DOCUMENTS					
		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION
					YES NO
	AL				
	AM				
	AN				
	AO				
	AP				
OTHER ART (Including Author, Title, Date, Pertinent Dates, Etc.)					
	AR	Festa A, et al. Circulation, <u>chronic subclinical inflammation as part of the insulin resistance</u> , 102(1):42-7, July 4, 2000			
	AS				
	AT				
EXAMINER			DATE CONSIDERED		
EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					